Chan, Benjamin (SEC)

From: Jon Gerhardson [redacted]
Sent: Monday, June 3, 2024 5:59 PM
To: cwilda@umass.edu
Cc: Manning, Michael (SEC); SEC-DL-PREWEB
Subject: Re: FW: PUBLIC RECORD REQUEST: All public records requests made in the past 60 days

Christina,

I wasn't quite sure at first, so I looked up some old 990s for the UMass Foundation or whatever it's called. We know each other. You are Christina, the "adult" (I say having been 24 at the time) boss from the Annual Fund student telemarketing fundraiser thing circa 2012. I think there was at no point less than like 75 students employed there, so if you're having trouble remembering me, surely you recall the rendition of "Baby it's Cold Outside" I sang with Wesley Rosen in the middle of the last shift before winter break. If you don't remember that, I'm saddened, as the only reason for this would be that the machinations of bureaucracy have deprived you of all sense of joy and wonder. It was a truly touching rendition. What Sphinx of cement and aluminum, Christina? '

Anyways, congratulations on being the, as of 2019, 135th highest paid employee in the state. You've clearly had a good run since we last spoke. $297,000 give or take, yes? Do you ever open a bottle of wine, sit back and think "damn, I make more money than the vice president of the United States of America?" I would do that ALL the time. It's probably enough money where the confidence boost it brings precludes you from wondering what exactly you do to be worth so much.

Don't get me wrong, I actually liked you as a boss. I've certainly had *much* worse supervisors over the years. So please don't take this too personally. I must point out however that you are the listed Records Access Officer for the University of Massachusetts. It is your job, which pays exceedingly well, to understand and ensure the University complies with the law. The law here being M G L Title X Chapter 66 Section 10, otherwise known as the Massachusetts Public Records Law. Currently, in my opinion, the University is not in compliance with that law.

I'll try to stick to only the most obvious reasons this is true for the sake of brevity.

1. The response you've provided, only after an appeal, is nowhere near sufficient. Even if it contained all records requests it would not be satisfactory. You seem to have run a report to create a spreadsheet, and in doing so have created a new document to fulfill a records request. While you are not prohibited from doing so, in my opinion, you may not provide a newly created record in lieu of records which already exist. cf. G. L. c. 4, § 7(26)

> 'Public records" shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, or any person, corporation, association, partnership or other legal entity which receives or expends public funds for the payment or administration of pensions for any current or former employees of the commonwealth or any political subdivision.

2. It is your obligation to respond to a public records request within 10 business days. Am I understanding correctly that the response of a representative of the flagship university of the state of Massaachusetts, who makes nearly $300,000 per year, and is backed by an IT budget of $20 million dollars per year, is telling me that they can not comply with the law because it is too annoying?

Seriously?

I'll also note that the spreadsheet you've provided me -- which again, comes nowhere near being an adequate response even if it was comprehensive in the number of requests made -- shows over half of the requests filed have not even begun to be answered. So how would using this portal have helped me?

I must insist that you provide to me every last byte, fax, letter, and post-it note which is responsive to my request as soon as possible, and no later than 10 business days from today, June 3, 2024. If you can not do so, I will begin seeking options for relief in civil court.

UMass is not very popular right now, I'm sure you know. The arrests of over 130 students made national news. I don't think it would be difficult to find an expensive lawyer to take this case on contingency. Hell, if pro-se litigants could recover attorney's fees I'd already be preparing to file a suit myself. I don't think it would be difficult to win.

I am now making two additional records requests. These are separate requests to my original, and should not be construed as impacting the scope or time frame of anything above. In accordance with the Secretary of Commonwealth's recommendation to agencies, I kindly ask that you waive all fees associated with these requests, which are not commercial in nature. Please also respond within 10 business days.

1. Items relating to the competency of the University's compliance with the public records law. Here I am seeking:
-The official job description for the position of Associate Chancellor for Compliance, a CV, Resume, or other document providing evidence of the Associate Chancellor's credentials as they relate to this position.
- All internal documents and guides related to the topic of "compliance."
- Copies of the public records training available for Umass employees here and a list of all employees who have successfully completed these training sessions.

2. Records relating to the efficiency of the public records portal. Here I am seeking:
- An itemized budget for the Information Technology Department of the University of Massachusetts FY2024.
- All contracts, lisencess, etc. related to the the University's Public Records portal.
- To the extent it is not included in the above listed items, all information relating to the cost of creation and operations of this portal.

Thank you very much.

Best,
Jonathan Gerhardson

On Thu, May 30, 2024, 4:01 PM Christine Wilda <cwilda@umass.edu> wrote:

> Jon,

I am in receipt of your records request as detailed below and appeal attached. I apologize for not having responded earlier but I was having technical difficulties accessing the records you are requesting. Attached is a report from our Public Records Request database which is populated when requests are submitted through our online portal, which can be accessed here: https://www.umass.edu/records/. Requests that come in from outside the portal, like yours, are manually input periodically and therefore may not yet be included in the file attached. We also have to manually update the status of requests which means this report also may not reflect actuality. At the end of each calendar year, we make sure all requests are accurately reflected in the database and reported to the state in accordance with the law.

Public records requests are handled by many different people depending on the department involved. Understanding that your request included all correspondence, we respectfully ask that you identify the specific requests that you would like further records on.

Regards,

Christine

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Christine M. Wilda

Associate Chancellor for Compliance

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cwilda@umass.edu

From: Jon Gerhardson [redacted]
Sent: Sunday, May 12, 2024 6:31 AM
To: Records Administrator - UMass Amherst <recordsadmin@umass.edu>
Subject: PUBLIC RECORD REQUEST: All public records requests made in the past 60 days

> You don't often get email from jon.gerhardson@gmail.com. Learn why this is important

Christine Wilda,

Hello, I hope you are having a a nice day.

This is a public records request under MA law. Please respond within 10 business days. This request is noncommercial in nature and thus I kindly request that you waive any associated fees to fulfill this request, as has been strongly advised by The Secratary of the Commonwealth.

I am seeking the following:

A full copy of every public records request sent to the University of Massachusetts Amherst between March 12, 2024 and May 12, 2024.

By full copy I mean I expect these records will contain:

-the original request,

-all communications between the requestor and UMass,

- internal, inter-departmental, and inter-agency communications relating to the request,

-all responsive documents provided, and in cases where documents were withheld, a list of the withheld documents, the exemption cited, and an explanation for why this exemption applies, to the extent required under the public records law,

-any appeals filed, all correspondences etc as described above regarding the appeal, and the outcome of the appeal including any records released then.

Please provide these records in a digital format delivered by email attachment to [redacted], direct download link, or CD-ROM.

Thank you for your help in this matter.

Best,

Jonarhan Gerhardson